

Notice of Allowability

Application No.

09/899,572

Examiner

Jingge Wu

Applicant(s)

NESTEROV ET AL

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/25/2005.
2. ☒ The allowed claim(s) is/are 1-10, 12-16, 22-23, 26-28, 30-31, 67-76 renumbered as 1-32
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JINGGEWU
PRIMARY EXAMINER

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✓ **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel, claims 17-21, 24-25, 29, 32-66.

✓ **Reasons for Allowance**

Applicants' response to the last Office Action, filed on April 25, 2005 has been entered and made of record.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 5, 14-16, 26-28, 30-31, 67, and 76 are allowable over the prior art of record. Claims 2-4 and 12-13, 6-10 and 22-23, and 68-75 depend from claims 1, 5, and 67 respectively, therefore, are allowed.

Independent claims 1, 5, 14, 26-28, 30-31 and 67 recite the limitations of :
classifying pixels within region according to a ratio of the respective values of a first color channel and a second color channel; identifying a red-eye defect when the value of ratio exceeds a threshold; and classifying the pixels without specifying use of particular color in the red-eye defect. The combination of these features as cited in the

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claims in combination with the other limitations of the claims, are neither disclosed nor suggested by the prior art of record.

The closest reference of US 6204858 to Gupta et al discloses a method of specifying a red-eye area by computing a ratio of color signal channels. However, he does not teach the limitations of cited above.

Independent claims 15-16, and 76 recite the limitations of : selecting pixels within eye region according to a channel contains largest number of pixels that does not exceed an area threshold at a predetermined measure of central tendency computed for each respective channel. The combination of these features as cited in the claims in combination with the other limitations of the claims, are neither disclosed nor suggested by the prior art of record.

The closest reference of US 5432863 to Bentani et al discloses a method of specifying a red-eye area by the area shape, coloration, and brightness. However, he does not teach the limitations of cited above.

In view of the amended claims and the Applicant's arguments , the rejections to claims 1-16, 22-23, 26-28, 30-31 are expressly withdrawn.

Contact Information

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Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (571) 272-7429. He can normally be reached Monday through Thursday from 8:00 am to 4:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (571) 272-2600.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (571) 272-7414.

The Working Group Fax number is (571) 273-8300.

Jingge Wu

Primary Patent Examiner

